

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JOVAUN CLARK, a/k/a "Inch,"

Defendant.

) Criminal No. 5:19-CR-71 (DNH)
)
) **Indictment**
)
) Violation(s): 26 U.S.C. § 5861(d)
) [Possession of Unregistered
) Firearms]
)
) 18 U.S.C. § 922(g)(1)
) [Possession of Firearms and
) Ammunition by a Felon]
)
) 7 Counts and Forfeiture Allegation
)
) County of Offense: Onondaga

THE GRAND JURY CHARGES:

COUNTS ONE to FOUR
[Possession of an Unregistered Firearm]

On or about the dates set out below, in Onondaga County in the Northern District of New York, the defendant, **JOVAUN CLARK, a/k/a "Inch,"** knowingly possessed the firearms – as defined in Title 26, United States Code, Section 5845(a) – described below, none of which were registered to him in the National Firearms Registration and Transfer Record:

| Count | Date | Firearm as Defined in 26 U.S.C. § 5845(a) |
|--------------|------------------|--|
| 1 | January 3, 2019 | A Grist Mill Manufacturing Company Rifle, Model XM177E3, caliber .223, bearing serial number 0125, with a barrel less than 16 inches in length |
| 2 | January 8, 2019 | A .40 caliber machinegun (pistol), tan in color, bearing no serial number |
| 3 | January 17, 2019 | A semiautomatic rifle, silver and black in color, caliber unknown, bearing no serial number, with a barrel less than 16 inches in length; and a 9mm caliber machinegun (pistol), gray in color, bearing no serial number |

| <u>Count</u> | <u>Date</u> | <u>Firearm as Defined in 26 U.S.C. § 5845(a)</u> |
|---------------------|--------------------|---|
| 4 | January 23, 2019 | A semiautomatic rifle, tan and black in color, caliber unknown, bearing no serial number, with a barrel less than 16 inches in length |

All in violation of Title 26, United States Code, Sections 5841, 5861(d), and 5871.

COUNTS FIVE to SEVEN
[Possession of a Firearm or Ammunition by a Convicted Felon]

On or about the dates set out below, in Onondaga County in the Northern District of New York, the defendant, **JOVAUN CLARK, a/k/a “Inch,”** having been previously convicted in a court of a crime punishable by imprisonment for a term exceeding one year, that is: Criminal Possession of a Controlled Substance in the Third Degree, in violation of New York Penal Law, Section 220.16(1), in Onondaga County Court on November 22, 1999, knowingly possessed in and affecting commerce the firearms – as defined in Title 18, United States Code, Section 921(a)(3) – and ammunition described below, which firearms and ammunition had previously been transported in interstate commerce:

| <u>Count</u> | <u>Date</u> | <u>Firearms and Ammunition 18 U.S.C. § 922(g)(1)</u> |
|---------------------|--------------------|---|
| 5 | January 3, 2019 | Two (2) rounds of Hornady 9mm Luger, manufactured in Nebraska; nine (9) rounds of Remington 9mm Luger manufactured in Arkansas; and eleven (11) rounds of Winchester .40 caliber Smith & Wesson manufactured in Illinois or Arkansas |
| 6 | January 8, 2019 | Two (2) rounds of Hornady .40 caliber Smith and Wesson, manufactured in Nebraska; and nineteen (19) rounds of Winchester .40 caliber Smith and Wesson, manufactured in Illinois or Mississippi |
| 7 | January 17, 2019 | A 9mm Smith and Wesson, Model 5906 pistol bearing serial number THE7599, manufactured in the state of Massachusetts; eleven (11) rounds of PMC 9mm Luger, manufactured in South Korea; and four (4) rounds of Remington 9mm Luger, manufactured in Arkansas |

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

FORFEITURE ALLEGATION

1. Upon conviction of an offense in violation of Title 26, United States Code, Sections 5861(d) and 5861(e) as set forth in Counts 1-4, the defendant, **JOVAUN CLARK, a/k/a “Inch,”** shall forfeit to the United States of America, pursuant to Title 26, United States Code, Section 5872 and Title 28, United States Code, Section 2461, all firearms involved in the commission of the offenses including, but not limited to:

- a. one (1) Grist Mill Manufacturing Company Rifle, Model XM177E3, caliber .223, bearing serial number 0125, with a barrel less than 16 inches in length (Count 1);
- b. one (1) .40 caliber machinegun (pistol), tan in color, bearing no serial number (Count 2);
- c. one (1) semiautomatic rifle, silver and black in color, caliber unknown, bearing no serial number, with a barrel less than 16 inches in length (Count 3);
- d. one (1) 9mm caliber machinegun (pistol), gray in color, bearing no serial number (Count 3); and
- e. one (1) semiautomatic rifle, tan and black in color, caliber unknown, bearing no serial number, with a barrel less than 16 inches in length (Count 4).

2. Upon conviction of an offense in violation of Title 18, United States Code, Section 922(g)(1) as set forth in Counts 5-7, the defendant, **JOVAUN CLARK, a/k/a “Inch,”** shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d)(1) by Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the knowing commission of the offenses, including, but not limited to:

- a. one (1) 9mm Smith and Wesson, Model 5906 pistol bearing serial number THE7599 (Count 7);
- b. two (2) rounds of Hornady 9mm Luger manufactured in Nebraska, nine (9) rounds of Remington 9mm Luger manufactured in Arkansas, and eleven (11) rounds of

Winchester .40 caliber Smith & Wesson manufactured in Illinois or Arkansas (Count 5);

- c. two (2) rounds of Hornady .40 caliber Smith and Wesson, manufactured in Nebraska, and nineteen (19) rounds of Winchester .40 caliber Smith and Wesson, manufactured in Illinois or Mississippi (Count 6); and
- d. eleven (11) rounds of PMC 9mm Luger, manufactured in South Korea, and four (4) rounds of Remington 9mm Luger, manufactured in Arkansas (Count 7).

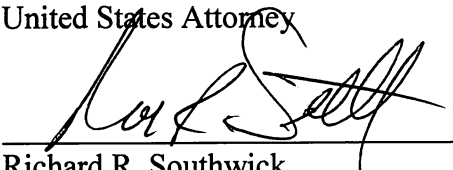
Dated: February 27, 2019

A TRUE BILL, *Name Redacted


Grand Jury Foreperson

GRANT C. JAQUITH
United States Attorney

By:


Richard R. Southwick
Assistant United States Attorney
Bar Roll No. 506265